

City of Burien

BURIEN PLANNING COMMISSION

August 26, 2015

7:00 p.m.

Multipurpose Room/Council Chambers

MINUTES

To hear the Planning Commission's full discussion of a specific topic or the complete meeting, the following resources are available:

- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library
- Order a DVD of the meeting from the City Clerk, (206) 241-4647

CALL TO ORDER

Chair Curtis Olsen called the August 26, 2015, meeting of the Burien Planning Commission to order at 7:02 p.m.

ROLL CALL

Present: Butch Henderson, Joel Millar, Curtis Olsen, Brooks Stanfield and Douglas Weber

Absent: Jim Clingan and Amy Rosenfield

Administrative staff present: Chip Davis, Community Development Department director; David Johanson, senior planner

AGENDA CONFIRMATION

Direction/Action

Motion was made by Commissioner Stanfield, seconded by Commissioner Henderson, to approve the agenda for the August 26, 2015, meeting. Motion carried 5-0.

APPROVAL OF MINUTES

Direction/Action

Motion was made by Commissioner Stanfield, seconded by Commissioner Henderson, and passed 5-0 to approve the minutes of the August 12, 2015, meeting.

PUBLIC COMMENT

None.

PUBLIC HEARING

A. Public Hearing on Limited Amendments to Burien Shoreline Master Program

David Johanson, senior planner, said that the commission will receive public comment on the proposed limited amendments to the Shoreline Master Program (SMP). The proposed amendments would incorporate some recent actions by the City Council into the SMP. Mr. Johanson explained that when the SMP was adopted in 2013, the Critical Areas Ordinance (CAO) in effect at the time was incorporated into the SMP by reference, with a few exceptions. Since that time, the Planning Commission and City Council have updated the CAO to comply with the updated Growth Management Act. The updated CAO, he continued, uses the new wetlands rating system. The proposed amendments also reflect the zoning change around Lake Burien. He noted that the City has not received any written comments prior to the hearing.

Chair Olsen opened the hearing at 7:05 p.m.

Michael Noakes, 16409 Maplewild Ave SW, said he was speaking as the president of the Burien Marine Homeowners Association. Mr. Noakes urged the commission not to recommend adoption of the proposed limited amendments to the SMP, stating that the commission is under no legal obligation to do so, that there is no evidence that the updated CAO enhances shoreline protection, and that trying to incorporate the updated CAO into the SMP will generate unnecessary costs to the City and residents in public process. He said the update appears to him to serve no clear purpose.

There being no other testimony, Chair Olsen closed the hearing at 7:10 p.m.

OLD BUSINESS

- A. None

NEW BUSINESS

- A. Possible Recommendation to the City Council regarding Limited Amendments to Burien's Shoreline Master Program

Commissioner Henderson asked for clarification based on Mr. Noakes' testimony that there is no legal requirement to update the SMP. Mr. Johanson said that the City did have a legal requirement to update the CAO. He said the proposed amendments are to ensure the two documents – the SMP and CAO – are aligned. It is something the City can choose to do, legal requirement or not. He said staff is recommending that the City not have two separate sets of critical areas regulations, one in effect for the shorelines and one for everywhere else. Mr. Johanson noted that the City has been coordinating with the Department of Ecology (DOE) during the CAO update process and the updates will have to be accepted by DOE. He said the proposed SMP amendments have been sent to DOE for review.

Mr. Henderson then asked if the City is incurring additional costs by considering the amendments. Mr. Johanson replied that staff time is involved, but staff feels it is prudent and reasonable to align the two documents. He said it is potentially confusing to residents to have two different versions of the CAO, adding that the updated CAO contains the latest classification system for the streams and wetlands.

Commissioner Stanfield said his understanding is that the SMP is not being opened for revision of substantive elements; this is simply bringing the SMP into alignment with the required updated CAO. Mr. Johanson confirmed that and said that if the amendments are not adopted, there will be two sets of critical area standards, primarily affecting Lake Burien since the major changes focus on wetland buffers and streams.

Commissioner Weber said he believes it is important that the documents align, but asked if one supersedes another when they don't align. Mr. Johanson replied that shoreline rules apply within shoreline jurisdiction, which is 200 feet landward from the ordinary high water mark. The SMP applies within those 200 feet, he said, and the CAO applies to everything beyond 200 feet. Adopting the amendments, he explained, would ensure that the same critical areas standards apply within the 200 feet and beyond.

Commissioner Stanfield moved to recommend to the City Council approval of the Comprehensive Plan text amendments as presented in Attachment 1 of the staff memo. Commissioner Henderson seconded the motion. Mr. Johanson noticed a typo. The motion should have read "...Shoreline Master Program amendments..."; Commissioner Stanfield moved to amend his motion to read "recommend to the City Council approval of the Shoreline Master Program amendments as presented in Attachment 1 of the staff memo." The motion to amend the motion passed unanimously.

An unidentified member of the audience, who declined to go to the microphone so his name and comments could be captured verbatim for the record, told the commissioners they are rushing the process. He said the public has just become aware of the proposed changes. He said they will fill the audience of the City Council meeting and the proposed amendments will be sent back to the Planning

Commission or there will be litigation. He said the commissioners have either been misled or have not read the documents carefully if they believe it is a small issue.

Mr. Noakes repeated his position that the City has no legal requirement to bring the SMP and CAO into alignment and therefore should not do so.

Mr. Johanson asked if there is a specific portion of the CAO to which the Burien Marine Homeowners Association objects. Mr. Noakes said the changes would not apply much to the marine shoreline. He said the Lake Burien homeowners should be present to defend their property rights. He did not name anything specific to which he objects; he said he objects to the process of making changes when it's not legally required. He said City Council meetings again will be clogged with debate, this time about whether the changes are appropriate for Lake Burien.

Mr. Johanson noted that the City has coordinated with DOE on the proposed amendments and while it hasn't received formal comments yet, it has received supportive feedback. Once the commission makes a recommendation, it will go to the City Council, the council will have its discussions and deliberations and if it is in favor of the amendments, the council will adopt a resolution to submit the proposed changes to DOE for approval. Once DOE approves them, the City Council will take final action by adopting an ordinance.

Mr. Johanson noted that language as it was in the former CAO that is now being proposed to be removed was not acceptable to DOE within shoreline jurisdiction; therefore specific exemptions were made in the SMP. The updated CAO fixed the inconsistencies and now they can be removed.

Commissioners Millar and Weber disclosed that they are shoreline property owners and asked for clarification as to whether or not they should recuse themselves from voting.

Direction/Action

Chair Olsen moved that the commissioners table the discussion until their September 10th meeting. Commissioner Stanfield seconded the motion. Motion carried unanimously.

PLANNING COMMISSION COMMUNICATIONS

None.

DIRECTOR'S REPORT

Mr. Davis reported that the City has received a pre-application meeting request from a group of investors interested in purchasing the properties on the corner of 1st Ave S and SW 148th Street formerly occupied by a gas station and Lovers Package. They have indicated they are interested in redeveloping it into some kind of retail/eating and drinking establishment. No zoning change is anticipated.

ADJOURNMENT

Direction/Action

Chair Olsen moved for adjournment; Commissioner Stanfield seconded. Motion carried unanimously. The meeting adjourned at 7:55 p.m.

APPROVED: September 9, 2015

/s/ Curtis Olsen, chair
Planning Commission